

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES

No. 16-CR-10043-NMG

v.

JOSEPH G. RACHAL

**MOTION FOR CONTINUATION OF APPOINTMENT
AS PRIVATE CJA ATTORNEY**

Undersigned counsel respectfully moves this Court to allow him to remain as counsel to the Defendant as a private CJA attorney after his resignation as an Assistant Federal Public Defender becomes effective on August 31, 2016. As grounds for this motion, undersigned counsel states as follows:

1. Undersigned counsel has served as an Assistant Federal Public Defender for more than a decade, since June 2006.
2. As of September 1, 2016, undersigned counsel will be entering into private practice as a founding member of a law partnership, Fick & Marx LLP.
3. Undersigned counsel will apply to become a member of the CJA panels of the Eastern and Central Divisions of the District of Massachusetts at the next available opportunity.
4. The "Plan for Implementing the Criminal Justice Act of 1964," Order 13-02, Effective Nov. 14, 2013 (the "Local Plan"), permits the appointment of private attorneys not on the CJA panel in circumstances such as those here.

In exceptional circumstances, a judicial officer shall have the discretion to appoint an attorney not on the CJA Panel, or a CJA Panel member other than the duty attorney, in order to serve the interests of justice, judicial economy, continuity in representation, or if there is some other compelling circumstance warranting such appointment.

Local Plan V. B. at 8.

Motion allowed. gfm gorton, USDJ 9/7/16